

MINUTES
TIGARD CITY COUNCIL MEETING
JULY 24, 2001

- STUDY MEETING

Council Present: Mayor Griffith, Councilors Dirksen, Moore, Patton and Scheckla (arrived at 6:34 p.m.).

Meeting was called to order at 6:32 p.m.

Administrative Items:

- City Manager Monahan reminded the City Council that the Tigard Blast will occur on August 3, 4 and 5.
- City Manager Monahan reminded the City Council of a focus meeting pertaining to the potential Bull Mountain Annexation at Deer Creek Elementary School on July 26, 2001, from 7-8:30 p.m.

Councilor Scheckla arrived at 6:34 p.m.

- City Manager Monahan reminded the City Council of upcoming legislative redistricting hearings on Friday, July 27, at noon at the Beaverton Public Library and at 7 p.m. at the Garden Home Recreation Center. Mayor Griffith reviewed proposed boundary changes noting that, at this time, the plan is to add part of the City of Portland to the district that Tigard is in and to delete King City's from Tigard's district. Mayor Griffith will try to attend the hearing at the Beaverton Public Library.
- City Manager Monahan noted that staff is recommending that the hearing for the Blue Heron matter be opened and continued to the City Council meeting of August 14, 2001. He said there was a problem in that the site was not posted (notice of hearing) as called for in the Tigard Municipal Code. The set over of the hearing will allow for the proper meeting noticing to be accomplished.
- City Manager Monahan reviewed the Cook Park expansion contract recently awarded. The contractor working on this Phase 1 has proposed a change order to the original scope of services to include grading of the sports fields. A memorandum was distributed to the City Council outlining the benefits of this proposal. The memorandum also explained how this would assist the Atfalati Recreation League. The League owes the City of Tigard some funds. Mr. Monahan noted that he has been advised that a check will be delivered by the end of the week to the City of Tigard in the amount \$20,000 to bring the League

current. In response to a question from Mayor Griffith, City Manager Monahan noted that the City Council should act on whether or not to approve the request for the change order. This will be placed on this evening's agenda as a non-agenda item.

- Community Development Director Hendryx reviewed a memorandum distributed to the City Council regarding structures and power line easements. This memorandum is on file with the City Recorder. Recently a father and son received an electrical shock using a play structure located under a power line in Eagles View Subdivision.

Mr. Hendryx reviewed that an electrical inspector made a comment that he "wouldn't let anyone build one of these things within a half mile of a high voltage power line." Mr. Hendryx said this statement was meant to be descriptive and was not a literal comment. The inspector identified himself to the media as a contract inspector and said his view was not necessarily the City's opinion. The memorandum further stated that structures located under a power line could be a hazard. The homes in this subdivision are not subject to any more hazard to electrical shocks than homes in any other subdivision. The electrical fields are localized within a few of the towers and do not affect the livability of the neighborhood. The structure in question was moved to a safe location and the hazard abated.

- > EXECUTIVE SESSION: The Tigard City Council went into Executive Session at 6:59 p.m. to discuss labor relations, real estate transactions and pending litigation under ORS 192.660(1)(d)(e) and (h).

Executive Session closed at 7:30 p.m.

Council meeting reconvened at 7:35 p.m.

1. BUSINESS MEETING

- 1.1 Call to Order - City Council & Local Contract Review Board
- 1.2 Roll Call: Mayor Griffith, Councilors Dirksen, Moore, Patton and Scheckla.
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports: None
- 1.5 Call to Council and Staff for Non-Agenda Items

- Cook Park Expansion Contract Addendum – Council to convene as the Local Contract Review Board.

2. VISITOR'S AGENDA: None.

3. CONSENT AGENDA:

City Attorney Ramis advised that Item 3.5 should be removed from the Consent Agenda in light of the City of Portland litigation with Qwest and some of the questions surrounding franchise agreements at this time. Action on this item should be delayed until it is better known what course should be taken.

Councilor Dirksen requested that Item 3.6 a. be removed from the Consent Agenda to be voted on separately. He noted that he would prefer to not vote on this item since he was not on the City Council at the time the original contract for the Washington Square Implementation Plan was approved.

Motion by Councilor Moore, seconded by Councilor Scheckla, to approve the Consent Agenda without items 3.5 and 3.6 a.

- 3.1 Approve Council Minutes: May 22, 2001
- 3.2 Receive and File: Council Goal Update
- 3.3 Approve Modifications to Council Groundrules – Resolution No. 01-47
- 3.4 Approve Budget Amendment No. 2 to the FY 2001-02 Budget to Transfer \$29,376 from the Water Quality/Quantity Fund Contingency to the Capital Improvements Program for Funding of the Healthy Streams Plan Agreement with Clean Water Services (Formerly Unified Sewerage Agency) – Resolution No. 01- 48
- ~~3.5 Authorize the City Manager to Sign a Settlement Agreement with Qwest~~
- Item 3.5 deleted upon advice from City Attorney Ramis.
- 3.6 Local Contract Review Board:
 - a. Authorize the City Manager to Sign a Contract with Spencer & Kupper for Consultant Services for the Washington Square Regional Center Implementation Plan – Resolution 01-49 (Considered separately – see below.)
 - b. Authorize the City Manager to Sign Aquifer Storage and Recovery (ASR) Project, Phase 2, Contract with Montgomery Watson
 - c. Reject Bid Proposals for the Construction of Bonita Road Sanitary Sewer Improvements
 - d. Reject Bid Proposals for the Construction of FY 2001-2002 Pavement Major Program (PMMP) and Embedded Crosswalk Lighting System Project
- 3.7 Adopt the OPEU Collective Bargaining Agreement and Authorize the City Manager to Sign the Final Draft – Resolution No. 01-50

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

Item 3.6 a: Authorize the City Manager to Sign a Contract with Spencer & Kupper for Consultant Services for the Washington Square Regional Center Implementation Plan – Resolution 01-49

Motion by Councilor Moore, seconded by Councilor Patton, to approve Item 3.6a. (including Resolution No. 01-49).

The motion was approved by a majority vote of Council present; 4-0-1:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Abstained
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

4. PRESENTATION BY PORTLAND GENERAL ELECTRIC (PGE) ON RECENT CIVIC RESPONSIBILITY AND ENERGY ISSUE POLLS

Finance Director Prosser introduced this agenda item and Karen Lee of PGE. Ms. Lee presented the results of a commissioned poll performed by Davis & Hibbitts on statewide attitudes toward civic responsibility and energy issues. The civic responsibility portion of the survey tested attitudes of frequent, occasional, and non-voters toward voting and community involvement. A copy of Ms. Lee's presentation is on file with the City Recorder.

5. UPDATE FROM THE NEW TIGARD LIBRARY CONSTRUCTION COMMITTEE

Library Director Barnes introduced the Committee. Committee members present: Sue Carver, George Burgess, Lonn Hocklin, Jim Funk, Kathy Sleeper, Curtis Tigard, David Chapman, Elaine Harris, Brian Douglas. Staff members serving on the Committee: City Manager Monahan, City Engineer Duenas, and Library Director Barnes. Council liaison to the Committee: Councilor Patton.

Ms. Barnes brought the City Council up to date on decisions made, including that the proposed library would be a 47,000 square foot, two-story structure. She reviewed the criteria for selecting sites.

Mr. Burgess described the proposals by the architect presented at the last New Library Construction Committee meeting for a model. The model would give a visual representation of what the proposed library would look like on a yet-to-be-determined site. Interior adjacencies will also be described that would detail the layout of the building.

Ms. Carter briefly reviewed the public information campaign. The Tigard Times and Cityscape will be used to disseminate information to the public. She also noted that City events would represent a means for circulating information. She mentioned that information was distributed at the Balloon Festival (330 surveys were turned in). In addition, the Committee was present at the 4th of July Celebration at Cook Park. Members of the New Library Construction Committee will distribute information at the upcoming Tigard Blast. Fact sheets are being assembled and the model of the proposed library will be used to inform the public. The Committee will continue to look for opportunities to present information and, once the site is selected, the Committee members will begin meeting with small groups throughout the City.

Mayor Griffith noted that if any interested group would like to have a representative of the Library speak to them, they should contact Library Director Barnes.

Discussion followed on the fact that the proposed library would be designed to meet library needs in the community for the next 15 to 20 years. All of the sites would allow an option for expansion.

City Manager reported on the potential sites and reviewed the site-selection criteria. Discussions have been held with representatives for all three sites to determine availability. At this time the Committee has decided to focus on only two of three sites since issues have developed on one of the sites.

More information and a recommendation on the final site will be presented to the City Council on August 28, 2001.

Councilor Scheckla commended the Committee for the work they have done to date.

Councilor Patton recommended that the work be started as possible on the design of the model and illustrations of adjacencies. Consensus of City Council was that the Committee could continue to work with the architect on the illustration of adjacencies.

6. QUASI-JUDICIAL PUBLIC HEARING – CONSIDER THE APPEAL OF THE BLUE HERON PARK SUBDIVISION (SUB 2001-00001, PDR 2001-00001, ZON 2001-0002, SLR 2001-00003, VAR 2001-00002)

Mayor Griffith read the agenda title and the following description for this hearing item.

ITEM ON APPEAL: On June 11, 2001, the Planning Commission denied a request for approval of an 18-lot subdivision on 4.15 acres. The lots are to be developed with attached single-family homes. Lot sizes within the development average just over 3,800 square feet. Development is to be clustered on the west side of the development site, allowing for the preservation and enhancement of the pond, wetland, and stream area on the eastern portion of the property. A sensitive lands review is required for the development due to the presence of steep slopes, a wetland, and a natural drainageway on the site. On June 22, 2001 an appeal was filed regarding the Planning Commission's denial of the project. **LOCATION:** 12450 SW Walnut Street; WCTM 2S103BC, Tax Lot 3900. The project site is located on the south side of SW Walnut Street, opposite of SW 124th Avenue and west of SW 121st Avenue. **ZONE:** R-4.5: Low-Density Residential District. The R-4.5 zoning district is designed to accommodate detached single-family homes with or without accessory residential units at a minimum lot size of 7,500 square feet. Duplexes and attached single-family units are permitted conditionally. Some civic and institutional uses are also permitted conditionally. **REVIEW CRITERIA BEING APPEALED:** Community Development Code Chapter 18.390.

- a. Mayor Griffith opened the Public Hearing.
- b. Planning Manager Bewersdorff introduced Associate Planner Kevin Young who advised that staff recommended the public hearing be continued to August 14, 2001. He advised of problems with regard to posting the site with a hearing notice. The site is now posted. Mr. Young previewed the history of the decision as outlined in the City Council meeting packet materials. He noted that staff continues to recommend approval for the development and that letters received to date by staff have been forwarded to the City Council.

There were questions regarding process and the set over of the hearing until August 14, 2001. City Manager Monahan noted that at the August 14 public hearing additional details will be described for the benefit of City Council.

Councilor Scheckla noted concerns about whether the Town Hall would be large enough for the anticipated public attendance at this hearing. After brief discussion, it was determined that the hearing would be held at the Town Hall since notification specified this particular location.

It was also noted that final minutes of the Planning Commission meeting would be included with the meeting materials for the August 14 hearing.

Motion by Councilor Moore, seconded by Councilor Dirksen, to continue the appeal hearing for the Blue Heron Park Subdivision to August 14, 2001.

The motion was approved by a unanimous vote of City Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

There was discussion of the arrangement of items on the August 14, 2001, City Council meeting. The EID/BID hearing will begin at 6:30 p.m. with the Blue Heron public hearing scheduled for 7:30 p.m.

A member from the audience noted that the minutes of the Planning Commission appeared to be very "pro" development. She suggested that it would be helpful to have a Planning Commissioner present at the City Council public hearing to testify to the City Council. City Attorney recommended against having a planning commissioner attend to testify citing the commission's role as an objective decision maker in judging the merits of quasi judicial land use matters.

7. COUNCIL LIAISON REPORTS: None.

8. NON AGENDA ITEMS:

- (Local Contract Review Board) Proposed change order to the original scope of services for the Cook Park Expansion Phase 1 contract with Northwest Earthmovers, Inc. (For additional information, see discussion by the City Council during the Study Session portion of this meeting.)

Property Manager John Roy reviewed the Phase 1 components for improving Cook Park. He noted that the proposed change order would result in savings of about \$16,500. This amount would have been spent hauling off excess soil from grading operations of the parking lot. Instead the soil would be placed on the sports field and then graded, which was planned to be done at a later date. An additional benefit was that the topsoil utilized from the parking lot area was of higher quality than imported soil. The contractor proposes to perform the sports

field infrastructure, sanitary/storm sewer improvements, and grading (which will include erosion control measures) for the sum of \$59,936.50. According to the purchasing rules, a purchase order can be amended for up to 20% of the original purchase order.

Motion by Councilor Patton, seconded by Councilor Dirksen to approve the proposed change order.

The motion was approved by a unanimous vote of City Council present:

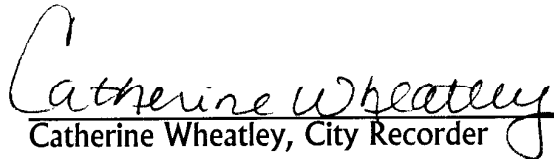
Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

> STUDY SESSION (continued)


- City Manager Monahan reported that the National League of Cities conference reservations have been made for the City Council. There was discussion on airplane reservations. There was discussion about reimbursement payment due from City Council members if his/her spouse attends.

9. EXECUTIVE SESSION: Canceled.

10. ADJOURNMENT: 9:25 p.m.


Catherine Wheatley, City Recorder

Attest:



Mayor, City of Tigard
Date: September 25, 2001

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